

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAVIER NUNEZ,

Plaintiff,

-against-

NICOLE FRASER, et al.,

Defendants.

24-CV-1388 (LTS)

ORDER OF DISMISSAL  
UNDER 28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

On October 31, 2023, the Court barred Plaintiff from filing any future civil action in this court *in forma pauperis* (“IFP”), without first obtaining from the court leave to file. *See Nunez v. Silber*, ECF 1:23-CV-0625, 20 (S.D.N.Y. Oct. 31, 2023), *appeal pending*, No. 22-7763 (2d Cir.). The Court specifically barred Plaintiff from filing any new actions IFP concerning (1) his eviction from a Manhattan apartment in 2018, and the related proceedings before the Civil Court of the City of New York, Housing Part; (2) the failure of a New York City Human Resources Administration caseworker to provide Plaintiff’s father with “services”; and (3) the failure of members of the New York City Police Department to investigate his claims of fraud and identity theft. *See id.*; *Nunez*, ECF 1:23-CV-0625, 17 (S.D.N.Y. Oct. 24, 2023).

On February 21, 2024, Plaintiff filed this action, *pro se*, seeking to proceed IFP. In the complaint, he names some of the same defendants named in *Nunez*, No. 23-CV-0625 and asserts the same claims asserted in that action.<sup>1</sup> Plaintiff does not seek leave to file this new action. Accordingly, the Court dismisses this action without prejudice for failure to comply with the

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<sup>1</sup> This is the fourth complaint that Plaintiff has filed since the bar order was issued. *See Nunez v. Fraser*, ECF 1:24-CV-1115, 1 (S.D.N.Y. Feb. 16, 2024); *Nunez v. Fraser*, ECF 1:24-CV-0999, 6 (S.D.N.Y. Feb. 12, 2024); *Nunez v. Fraser*, ECF 1:23-CV-10750, 7 (S.D.N.Y. Jan. 16, 2024).

Court's October 31, 2023 order in *Nunez*, ECF 1:23-CV-0625, 20.

### **CONCLUSION**

The Court dismisses this action without prejudice for failure to comply with the Court's October 31, 2023 order in *Nunez*, ECF 1:23-CV-0625, 20. All other pending matters in this action are terminated.

The Court warns Plaintiff that should he persist in filing frivolous, duplicative, and non-meritorious litigation, it may result in the imposition of additional sanctions, including monetary penalties. *See* 28 U.S.C. § 1651.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppededge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this action.

SO ORDERED.

Dated: February 28, 2024  
New York, New York

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/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge